

Remarks

First Office Action dated May 28, 2003, rejects claims 1-6, 8-11, 16, 18, 21, 23, 25 and 27 as anticipated by U.S. Pat. Application Publication No. US 2003/0093736 A1 to Grey (herein "the Grey Publication") under 35 U.S.C. §102(e). Claims 7, 12-15, 17, 19, 20, 22, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In response to the rejection claims 1-25 are unamended, claim 26 is amended, and claims 25 and 27 are cancelled. Consideration of the following Remarks is respectfully requested.

Claim 1 is rejected as anticipated by the Grey Publication. Claim 1 remains unamended. In order to show anticipation of a claim, all elements and limitations of the rejected claim must be contained within the cited publication. The Grey Publication does not anticipate claim 1 because the Grey Publication does not teach a hierarchical program structure having "a measurement level corresponding to a measurement to be performed"... "a test level corresponding to one or more of said measurements, and a procedure level corresponding to an ordered list of said tests" as claimed. The Grey Publication teaches a hierarchical organization according to sub-component organization of the unit under test. See page 1, paragraph 0016, lines 5-7. Page 2, paragraph 0022 of the Grey Publication states that "the first test executive sequence is operable to test a first system sub-component". The "sub-component" refers to a component structure of the unit under test. Page 3, paragraph 0052 states that the unit under test comprises "a plurality of sub-components organized in a hierarchical manner". By contrast, the organizational structure of claim 1 is based upon a measurement process, i.e. measurement level, test level and procedure level, and is not based upon a sub-component of the unit under test. Accordingly, anticipation is not shown with respect to claim 1 and

withdrawal of the rejection is respectfully requested.

Claim 2 is rejected as anticipated by the Grey Publication. Claim 2 depends from claim 1 and is believed to be patentable over the Grey Publication for at least the same reasons as claim 1, but also because the Grey Publication does not teach "a datapoint level corresponding to a single result of a measurement". Page 8, paragraph 0116 teaches call stack execution and parameter propagation and does not teach "a datapoint level" as recited in claim 2. Many of the examples given in paragraph 0116 do not take a data point and therefore cannot be construed as a "datapoint level". Accordingly, anticipation is not shown with respect to claim 2 and withdrawal of the rejection is respectfully requested.

Claim 3 is rejected as anticipated by the Grey Publication. Claim 3 remains unamended. In order to show anticipation of a claim, all elements and limitations of the rejected claim must be contained within the cited publication. The Grey Publication does not anticipate claim 3 because the Grey Publication does not teach a hierarchical program structure having "a measurement level corresponding to a measurement to be performed"... "a test level corresponding to one or more of said measurements, and a procedure level corresponding to an ordered list of said tests". The Grey Publication teaches a hierarchical organization according to sub-component organization of the unit under test. See page 1, paragraph 0016, lines 5-7, page 2, paragraph 0022 lines 2-4, and page 3, paragraph 0052, lines 9-10. By contrast, the organizational structure of claim 3 is based upon a measurement process and not a unit under test sub-component structure. Accordingly, anticipation is not shown with respect to claim 3 and withdrawal of the rejection is respectfully requested.

Claims 4 through 6 and claims 8 through 10 depend from claim 3 and are believed to be patentable over the Grey Publication for at least the same reasons as claim 3. Accordingly, anticipation is not shown with

respect to claims 4 through 6 and claims 8 through 10 and withdrawal of the rejection is respectfully requested.

Claim 7 is objected to as being dependent upon a rejected base claim. Claim 7 remains unamended because the base claim upon which claim 7 depends is believed to be patentable for the reasons set forth herein.

Claim 11 is rejected as anticipated by the Grey Publication. Claim 11 remains unamended. In order to show anticipation of a claim, all elements and limitations of the rejected claim must be contained within the cited publication. The Grey Publication does not anticipate claim 11 because the Grey Publication does not teach a "hierarchical structure having multiple levels, each level embodied" ... "as a function defined by a class"... "said classes including a measurement class corresponding to a measurement to be performed"... "a test class corresponding to one or more related measurements, and a procedure class corresponding to an ordered list of said tests to be performed on said device". The Grey Publication teaches a hierarchical organization according to sub-component organization of the unit under test. See page 1, paragraph 0016, lines 5-7. The disclosure of the Grey Publication found on page 2, paragraphs 0026 and 0027 make no reference to "a function defined by a class", but teaches a tree view of test executive sequences, one of which may be selected for execution through a mouse click and programmatic specification of a test executive sequence represented as an array that represents a call stack to recreate while only executing steps in setup groups from the sequences on the stack. No mention is made in the cited paragraphs of the measurement, test and procedure classes. By contrast, claim 11 recites measurement, test, and procedure classes, which is not disclosed in the cited reference. Accordingly, anticipation is not shown with respect to claim 11 and withdrawal of the rejection is respectfully requested.

Claims 12 through 15, 19, and 20 are objected to as being dependent

upon a rejected base claim. Claims 12 through 15, 19, and 20 remain unamended pending final resolution of the base claim. Claim 11, upon which claims 12 through 15, 19, and 20 depend, is believed to be patentable for the reasons set forth.

Claim 18 is rejected as anticipated by the Grey Publication. Claim 18 depends from claim 11 and is believed to be patentable over the Grey Publication for at least the same reasons as claim 11. Accordingly, anticipation is not shown with respect to claim 2 and withdrawal of the rejection is respectfully requested.

Claim 21 is rejected as anticipated by the Grey Publication. Claim 1 remains unamended. In order to show anticipation of a claim, all elements and limitations of the rejected claim must be contained within the cited publication. The Grey Publication does not anticipate claim 1 because the Grey Publication does not teach a hierarchical structure having multiple levels including a measurement level corresponding to a measurement to be performed "...a test level corresponding to one or more of said measurements, and a procedure level corresponding to an ordered list of said tests". The Grey Publication teaches a hierarchical organization according to sub-component organization of the unit under test. See page 1, paragraph 0016, lines 5-7. Page 1-2, paragraphs 0018-0022 teach execution of a test executive that is not in a first level of the hierarchy as well as the sub-component structure. By contrast, the organizational structure of claim 21 is based upon a measurement process. Accordingly, anticipation is not shown with respect to claim 21 and withdrawal of the rejection is respectfully requested.

Claim 22 is objected to as being dependent upon a rejected base claim. Claim 22 remains unamended because the base claim upon which claim 22 depends is believed to be patentable for the reasons set forth herein.

Claim 23 is rejected as anticipated by the Grey Publication. Claim

23 remains unamended. In order to show anticipation of a claim, all elements and limitations of the rejected claim must be contained within the cited publication. The Grey Publication does not anticipate claim 23 because the Grey Publication does not teach a "measurement software object corresponding to a measurement"..."a test software object"..."corresponding to a test"..."a procedure software object corresponding to an ordered list of said tests"..."and a plurality of software pointers linking said measurement object, said test object, and said procedure object". The Grey Publication teaches a hierarchical organization according to sub-component organization of the unit under test. See page 1, paragraph 0016, lines 5-7. Pages 1-2, paragraphs 0018-0021 and page 2, paragraphs 0026-0029 do not teach a computer program comprising measurement, test and procedure software objects, but teach various embodiments of test sequences according to a sub-component structure of the unit under test. By contrast, claim 23 claims a program having a structure aligned with a measurement process. Accordingly, anticipation is not shown with respect to claim 23 and withdrawal of the rejection is respectfully requested.

Claim 24 is objected to as being dependent upon a rejected base claim. Claim 24 remains unamended because the base claim upon which claim 24 depends is believed to be patentable for the reasons set forth herein.

Claim 25 is rejected as anticipated by the Grey Publication. Claim 25 is cancelled without prejudice.

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations in the intervening claims. Allowance is solicited.


Claim 27 is rejected as anticipated by the Grey Publication. Claim 27 is cancelled without prejudice.

All rejections and objections found in the Office Action are believed to be addressed and allowance of all claims as amended is respectfully

solicited. If any clarifications can be made by way of telephonic
interview, the Examiner is invited to contact the Undersigned.

Respectfully submitted,

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